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U.S. EPA REGION 5 BROWNFIELDS ACTION REQUEST FORM

Instructions: To request any action or assistance under U.S. EPA's Brownfields policies or programs, please have a duly designated representative provide the information requested below as instructed in this form, sign the form and send it to: Joseph Dufficy (S-4J), U.S. EPA Region 5, 77 W. Jackson, Chicago IL 60604-3590, and to any EPA Region 5 employees already assigned to the matter. If additional space is required to provide the information requested, please attach additional sheets as necessary, clearly identifying the item to which the information corresponds. The purpose of this form is to ensure that U.S. EPA has all of the information necessary to process any request appropriately, expeditiously and efficiently. This form may be downloaded from U.S. EPA Region 5's Web Page, at "www.epa.gov/region5", or an electronic or hard copy of this form may be obtained by sending an e-mail request to "dufficy.joseph@epa.gov" or to another appropriate EPA Region 5 employee, or by mailing a written request to Mr. Dufficy or another appropriate EPA Region 5 employee at the above-referenced address. This form is not a rule, it does not create any rights, claims or defenses, legal or other, in any entity, and the United States reserves all rights and claims under all laws.

1. Action requested. Please check only one box. If you are requesting more than one action, you must complete a separate request for each action.

- ☒ Request for Prospective Purchaser Agreement (*See Guidance on Agreements with Prospective Purchasers of Contaminated Property*, May 24, 1995, 60 Fed. Reg. 34792 (July 3, 1995)). All information requested below must be provided by the requestor.
- ☐ Request for CERCLA Comfort Letter (*See Policy on the Issuance of Comfort/Status Letters*, November 8, 1996, at "www.epa.gov/swerosps/bf/gdc.htm#ci"). The information requested in items 3.g and 3.h, 4.e, 4.g, 4.h and 4.I, 5 and 6 does not need to be provided by the requestor. However, EPA respectfully asks that the requestor consider providing such information to the extent the requestor is willing and able to do so.
- ☐ Request for RCRA Comfort Letter. The information requested in items 3.g and 3.h, 4.e, 4.g, 4.h and 4.I, 5 and 6 does not need to be provided by the requestor. However EPA respectfully asks that the requestor consider providing such information to the extent the requestor is willing and able to do so.
- ☐ Request for Comfort Letter opinion on whether an acquisition by a governmental entity would qualify as an involuntary acquisition under CERCLA Section 101(20)(D) and CERCLA Section 101(35)(A). (*See Policy on Interpreting CERCLA Provisions Addressing Lenders and Involuntary Acquisitions by Government Entities*, June 1997; Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996, 110 Stat. 3009-462 (1996); 42 U.S.C. §9601(20)(D) and 9601(35)(A)) This may only be requested by a governmental entity. The information requested in items 3.g and 3.h, 4.e, 4.g, 4.h and 4.I, 5 and 6 does not need to be provided by the requestor. However EPA respectfully asks that the requestor consider providing such information to the extent the requestor is willing and able to do so.
- ☐ Request for release or termination of CERCLA lien in accordance with Region 5 CERCLA lien policy. (*See Region 5 Guidance Concerning Liens Under Section 107(l) of CERCLA*, September 8, 1998, at "www.epa.gov/r5brownfields/liens.htm".) All information requested below must be provided by the requestor.
- ☐ Request to refrain from filing CERCLA lien in accordance with Region 5 CERCLA lien

policy. (See Region 5 Guidance Concerning Liens Under Section 107(l) of CERCLA, September 8, 1998, at "www.epa.gov/r5brownfields/liens.htm".) All information requested below must be provided by the requestor.

☐ Request for technical assistance (describe): _____

☐ Request for other Action (describe): _____

2. Requestor Information. The requestor is the entity or person on whose behalf this request is being made. If there is more than one entity or person on whose behalf this request is being made, please provide the requested information for all such entities or persons.

a. Full Legal Name of Requestor: The Northern Ohio Lumber & Timber Co. (Lessee) and Bredt-Zanick LLC (Owner/Lessor)

b. Address of Requestor

i. Street Address: 1895 Carter Road

ii. City: Cleveland State: Ohio Zip: 44113

c. Contact Person (all correspondence will be addressed to this person)

i. Name: Charles F. Bredt

ii. Title: Vice President of The Northern Ohio Lumber & Timber Co. and Manager of Bredt-Zanick LLC

iii. Mailing Address

(1) Company: The Northern Ohio Lumber & Timber Co.

(2) Street Address/P.O. Box: 1895 Carter Road

(3) City: Cleveland State: Ohio Zip: 44113

(4) Telephone: (216) 771-4080 Fax: (216) 771-4793

(5) Email: "northernohiolumber@msn.com"

3. Current Brownfield Property Information. The Brownfield Property is that portion of property which the Requester wishes to acquire, redevelop or reuse, or for which action or information is sought. It may not necessarily encompass an entire site or facility that may be the subject of a federal or state environmental action. The information requested below in this item 3 pertains only to the Brownfield Property.

- a. Address of Brownfield Property:
- Street Address: 2850 West 3rd St.
 - City: Cleveland State: Ohio Zip: 44113
 - If the request is for a Prospective Purchaser Agreement or for a release or termination of a CERCLA lien, please attach a complete legal description of the property. [See legal descriptions in Schedule A attached to Attachments 5, 6, and 7]
- b. Current Owner of Brownfield Property
- Full Legal Name of Current Owner: Master Metals, Inc.
 - Street Address: 2850 West 3rd St.
 - City: Cleveland State: Ohio Zip: 44113
- c. List the size of the Brownfield property in acreage: 4 acres
- d. List the current zoning of the Brownfield Property (check all that apply): ☐residential; ☒industrial; ☐light industrial; ☐commercial; ☐other (describe): _____
- e. Describe the current status of the Brownfield Property (check all that apply): ☒abandoned; ☒idle; ☒tax delinquent; ☒underutilized; ☐currently in-use; ☐other (describe): _____
- f. Describe the current or most recent uses of the Brownfield Property (check all that apply and include a brief description of activities conducted at the property):
- ☐residential (describe): _____
- ☒industrial/manufacturing (describe): lead reclamation
- ☐commercial/retail (describe): _____
- ☐distribution (describe): _____
- ☐public/recreational (describe): _____
- ☐other (describe): _____
- g. List the current market value of the Brownfield Property, taking into account reusable improvements on the property, but excluding factors such as the costs necessary to bring the property up to minimum applicable federal, state and local health and safety standards (e.g., exclude planned and/or necessary cleanup costs, costs to demolish condemned structures, etc.) and liens/encumbrances on the property. This figure should be based on a certified independent appraisal, which should be included in its entirety with this request. However, if the requestor is working on a redevelopment project in cooperation with a governmental entity, a good faith estimate by a governmental official whose responsibilities and experiences include making such estimates may be used. This good faith estimate may be in the form of a letter signed by the governmental official, and must be in writing and included with this request. At a minimum, however, the most recent tax assessment appraisal of the property must be included with this request.
- Current market value: Tax Assessed Value for Parcel No. 008-30-009 = \$22,100 [See Certified Copy of Cuyahoga County Auditor's Report, Attachment 1].
- Tax Assessed Value for Parcel No. 008-30-014 = \$681,600 [See Certified Copy of Cuyahoga

County Auditor's Report, Attachment 2].

Tax Assessed Value for Parcel No. 008-30-015 =\$20,100 [See Certified Copy of Cuyahoga County Auditor's Report, Attachment 3].

- h. List the current estimated costs necessary to bring the property up to minimum applicable federal, state and local health and safety standards (e.g., estimated necessary federal cleanup costs, state voluntary cleanup costs, costs to demolish condemned structures, etc.) and the lienholders and values of liens and other outstanding encumbrances on the property. If an estimated cost pertains to an applicable federal, state or local health and safety standard(s), please provide citations to the standard(s). Detailed studies need not be included, unless they are available at the time of this request. These estimates must be based on good faith estimates prepared by a registered professional engineer whose estimates must be in writing and included with this request. However, if the requestor is working on a redevelopment project in cooperation with a governmental entity, the estimates may be based on good faith estimates prepared by a governmental official whose responsibilities and experiences include making such estimates. These estimates may be in the form of a letter signed by the governmental official, and must be in writing and included with this request. If an estimated cost pertains to a planned or ongoing federal, state, or local cleanup or other relevant action, and the costs are documented by the appropriate governmental entity (e.g., EPA Removal Action Memorandum, Record of Decision, etc.), the estimates from the governmental documentation may be used, and the documentation must be referenced or included with this request.

Cost (type and amount): [See November 23, 1998 EE/CA, Attachment 4] [Costs associated with Remedial Alternative No. 2 are based on Risk Based Remediation Goals] \$ 537,040

Cost (type and amount): _____ \$

Cost (type and amount): _____ \$

Cost (type and amount): _____ \$

Cost (type and amount): _____ \$

Cost (type and amount): _____ \$

Lien (type, holder and value): [For complete list of liens on Parcel No. 008-30-009, see Schedule B of Attachment 5] \$ 972,254.88

Lien (type, holder and value): [For complete list of liens on Parcel No. 008-30-014, see Schedule B of Attachment 6] \$ 964,448.88

Lien (type, holder and value): [For complete list of liens on Parcel No. 008-30-015, see

4. Future Brownfield Property Use and Transaction Information. The Brownfield Property is that portion of property which the requestor wishes to acquire, redevelop or reuse, or for which information is sought. It may not necessarily encompass an entire site or facility that may be the subject of a federal or state environmental action. The information requested below in this item 4 pertains only to the Brownfield Property.

- a. List the size of the Brownfield Property to be redeveloped/reused in acres: 4 acres
- b. List any anticipated future zoning of the Brownfield Property (check all that apply):
☐residential; ☒industrial; ☐light industrial; ☐commercial; ☐other (describe):
- c. Describe the proposed uses of the Brownfield Property (check all that apply and provide a brief written description of the uses and/or other activities that will be conducted on the property):
☐residential (describe): _____
☒industrial/manufacturing (describe): lumber supply company
☐commercial/retail (describe): _____
☐distribution (describe): _____
☐public/recreational (describe): _____
☐other (describe): _____
- d. List the number of jobs that will be created by the redevelopment/reuse of the Brownfield Property: 4
- e. List the estimated tax revenues that will be generated by the redevelopment/reuse of the Brownfield Property.
Property Taxes (type and amount): [Annual] \$ 23,333
Sales Taxes (type and amount): _____ \$ _____
Other Taxes (type and amount): [Income Tax] [Annual] \$ 14,620
Other Taxes (type and amount): [Personal Property Tax] [Annual] \$ 1,545
Other Taxes (type and amount): _____ \$ _____
Other Taxes (type and amount): _____ \$ _____
- f. Describe any and all other benefits to the public that will arise from the planned redevelopment/reuse of the Brownfield Property: The current owner of this property is a defunct company. A PRP Group, consisting of former generators and arrangers, agreed to

perform the removal and remedial actions pursuant to an Agreed Order on Consent with U.S. EPA. The remedial action did not contemplate future redevelopment of the property because the site has a long history of violations, public health risks and the risk of future liability. The applicant, Northern Ohio Lumber, has worked with the PRP Group and U.S. EPA to modify the agreed remedy at increased costs to allow for redevelopment of the property. Northern Ohio Lumber is the oldest, continuously operating lumber company in Ohio. It has been a presence in the Cleveland Flats since approximately 1860. Northern Ohio Lumber must find a new site to continue its operations because its landlord is currently considering redevelopment of the property Northern Ohio Lumber currently occupies. Northern Ohio Lumber is currently considering two options for relocating its operations: (1) the Master Metals site; or (2) another site located in a suburb of Cleveland. Redevelopment of the Master Metals site by Northern Ohio Lumber will serve a number of public benefits: (1) the Master Metals site, long considered a contaminated and unusable site, will be redeveloped into a viable commercial enterprise; (2) the Master Metals site is located near Cleveland's industrial corridor and nearby low-income housing which is badly in need of commercial investment; (3) Northern Ohio Lumber will benefit the City by retaining and expanding its commercial work force; and (4) the Master Metals site will again generate tax revenues for the City.

- g. Briefly list the amounts the requestor plans to invest in the Brownfield Property to purchase, redevelop and reuse the property, including any expense necessary to investigate and clean the property, and any amount of planned capital improvements to the property.

Purchase Price (identify the form of payment, e.g., cash, stock, etc., the name(s) of the party(ies) to whom the payment will be made and the amount of the payments): [Direct transfer from the City of Cleveland through the City's Land Bank Program which puts tax delinquent, unproductive land back into development] \$ -0-

Cost (type and amount): [Capital improvements] \$ 870,000

Cost (type and amount): [Machinery and equipment] \$ 100,000

Cost (type and amount): _____ \$

- h. Describe any anticipated risks to public or human health, welfare or the environment that would be created by the anticipated reuse/redevelopment of the Brownfield Property: Northern Ohio Lumber is a lumber company which sells lumber and timber to commercial and retail clients. Northern Ohio Lumber does not use hazardous materials or generate

hazardous wastes in its commercial business.

- i. If this request is for a Prospective Purchaser Agreement, please describe the nature and value of the consideration (e.g., payment, agreement to perform site cleanup activities, public benefits, etc.) that is being offered to the United States: The public benefits of this proposed activity are listed above. The PRP Group has agreed to perform U.S. EPA's recommended Cleanup Alternative, as modified to allow for redevelopment of the property. Northern Ohio Lumber has agreed to assume a portion of the increase in costs necessary to amend the cleanup remedy from a vegetative cap [Alternative 3] to an asphalt cap [Alternative 4] and the costs and responsibility for the 30 year operation and maintenance plan.
5. Federal Involvement with the Brownfield Property. The information request below should be provided by the requestor to the extent known by the requestor, and must be verified and/or supplemented by regional staff.
- a. Describe any current federal environmental involvement, activities or planned activities associated with the property (check all that apply and also provide a brief written description of the involvement or planned activities and the name of the action or activity, if any):
- ☐ CERCLIS listed site
- ☐ CERCLIS archived site
- ☐ CERCLA listed NPL site
- ☐ CERCLA proposed NPL site
- ☒ CERCLA remedial action site (describe): (1) excavation of off-site contaminated soils and consolidation of contaminated soils on-site; (2) cover of contaminated areas with asphalt cover; (3) operation and maintenance of cover for 30 years; and (4) deed restriction to minimize potential exposure of contaminated soil.
- ☐ CERCLA removal action site (actions): _____
- ☐ RCRA permitted facility (list all permit I.D.s): _____
- _____
- _____
- ☐ RCRA interim status facility
- ☐ RCRA corrective action (describe): _____

☐ RCRA closure (describe): _____

☐ TSCA (describe and cite sections of applicable law): _____

☐ CWA (describe and cite sections of applicable law): _____

☐ OPA (describe and cite sections of applicable law): _____

☐ CAA (describe actions and cite sections of applicable law): _____

☐ Other (identify statute, cite sections of applicable law and describe): _____

- b. Describe any prior federal environmental involvement, activities or planned activities associated with the Brownfield Property (check all that apply and also provide a brief written description of the involvement or planned activities and the name of the action or

activity):

☐ CERCLIS listed site

☐ CERCLIS archived site

☐ CERCLA listed NPL site

☐ CERCLA proposed NPL site

☐ CERCLA remedial action site (describe): _____

☒ CERCLA removal action site (actions): (1) analysis and mapping of waste materials; (2) installation of fences, signs, and other barriers; (3) excavation, demolition, consolidation, and/or removal of highly contaminated buildings, structures, soils, loose waste materials, loose industrial by-products, construction materials, demolition debris, machinery, garbage, dust, and office or industrial equipment to reduce the spread of, and direct contact with, the contamination; (4) removal of drums, barrels, tanks, or other bulk containers that contained hazardous substances to reduce the likelihood of spillage or exposure to humans, animals, and/or the food chain; and (5) containment, treatment, and disposal of hazardous materials to reduce the likelihood of human, animal, or food chain exposure.

☐ RCRA permitted facility (list all permit I.D.s): _____

☐ RCRA interim status facility

☐ RCRA corrective action (describe): _____

☐ RCRA closure (describe):

☐ TSCA (describe and cite sections of applicable law): _____

☐ CWA (describe and cite sections of applicable law): _____

☐ OPA (describe and cite sections of applicable law): _____

☐ CAA (describe actions and cite sections of applicable law): _____

☐ Other (identify statute, cite sections of applicable law and describe): _____

- c. If the Brownfield Property is part of a federally identified site or facility, list all federal site and facility name(s) and all identification and permits number(s) such as CERCLA site I.D. numbers, RCRA permit numbers, administrative docket numbers, etc.

EPA ID: OHD097613871

EPA Region: 05

County: 035 Cuyahoga

NPL Status: Not on the NPL

Administrative Order Docket No. V-W-97-C-402 (issued April 17, 1997)

- d. If the property is part of a larger federally identified site or facility, list the size in acreage

of the site or facility: _____

6. Miscellaneous

a. Briefly describe why you believe this request is necessary: Nothern Ohio Lumber has been a commercial resident of the Cleveland Flats since approximately 1860. Its current lease will soon expire and there are no expansion opportunities at its present facility. Northern Ohio Lumber would like to maintain its presence in the Cleveland Flats area, but has another extremely lucrative offer to move its facility to a location outside the City limits. In order for Northern Ohio Lumber to assume the risks associated with the Master Metals site and to assume the obligations associated with long term operation and maintenance, it must have assurances that its liability will be minimized to the maximum extent practicable.

b. Briefly describe the type and amount of any other federal assistance you may be receiving in connection with your plans to acquire and redevelop/reuse the property: Northern Ohio Lumber is considering Brownfields assistance from U.S. EPA's Brownfields Pilot Program.
Briefly describe the type and amount of any state assistance you may be receiving in connection with your plans to acquire and redevelop/reuse the property: _____

c. Briefly describe the type and amount of any local governmental assistance you may be receiving in connection with your plans to acquire and redevelop/reuse the property: Northern Ohio Lumber has applied for low interest financing and real and personal property tax abatement from the City of Cleveland.

I certify that the information provided in this request and attached hereto is true, accurate and complete to the best of my knowledge and ability.

Charles F. Brett 2100 plus NOLT # Manager 7-28-00
Signature Brett Zanick LLC Date

CHARLES F. BRETT 1895 CARTER RD CLEVELAND OHIO
Name and Address of Signatory (printed) 4413

Relationship of Signatory to Requestor: vice president of Northern Ohio Lumber
and manager of Bratt Lumber Co.

FOR EPA USE ONLY:

Date request received by EPA: _____

Date request forwarded to DOJ (PPA only): _____

Date draft PPA issued to requestor (PPA only): _____

Date final proposed PPA issued to requestor for signature (PPA only): _____

Date signed PPA received by EPA (PPA only): _____

Date PPA signed by EPA (PPA only): _____

Date PPA signed by DOJ (PPA only): _____

Date PPA comment period completed (PPA only): _____

Date EPA action is complete/PPA is final: _____